

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRANCIS DeJESUS,
Plaintiff,
-against-

NEW YORK CITY DEPARTMENT OF
CORRECTIONS; DORA B. SCHIRO,
COMMISSIONER OF NEW YORK CITY
DEPARTMENT OF CORRECTION;
MR. ROBERT A. CRIPPS, WARDEN OF ANNA
M. KROSS CENTER / C-95; HON. MICHAEL
R. BLOOMBERG, MAYOR OF NEW YORK
CITY; MR. RAYMOND KELLY,
COMMISSIONER OF NEW YORK CITY
POLICE DEPARTMENT,

Defendants.
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ORDER DIRECTING UPDATED
PRISONER AUTHORIZATION

10 Civ. 9059 (LAP)

LORETTA A. PRESKA, Chief United States District Judge:

Plaintiff brings this action *pro se*.¹ The Court directs Plaintiff to pay the \$350.00 filing fee or submit an updated Prisoner Authorization form within thirty (30) days of the date of this Order as detailed below.

In order to proceed with a civil action in this Court, Plaintiff must pay the \$350.00 filing fee or ask the Court to waive the fee by requesting to proceed *in forma pauperis* (“IFP”) with a signed IFP application. See 28 U.S.C. §§ 1914, 1915. Because Plaintiff is a prisoner seeking to file a complaint *in forma pauperis*, Plaintiff is also subject to the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. § 1915(b)(1), (2). The PLRA requires the Court to collect the full filing fee from Plaintiff’s account. 28 U.S.C. § 1915(b)(1).

¹ Plaintiff indicates that he is currently held in the Anna M. Kross Center on Rikers Island. According to the “inmate lookup” feature of the New York State Department of Correctional Services’ website, <http://nysdocslookup.docs.state.ny.us/kinqw00>, however, Plaintiff is currently incarcerated in the Mt. McGregor Correctional Facility (“Mt. McGregor”). Therefore, the Clerk of Court is directed to send a copy of this Order and the attached form to Plaintiff at Mt. McGregor.

Plaintiff submitted his IFP application with an outdated Prisoner Authorization form containing the old filing fee of \$250.00.² Therefore, Plaintiff is directed to pay the \$350.00 filing fee or, in the alternative, to submit a new Prisoner Authorization form to the Court within thirty (30) days of the date of this Order. If Plaintiff submits the Prisoner Authorization form, it must bear the same docket number as this Order.³

The Clerk of Court is directed to assign this matter to my docket. No Summons shall issue at this time. If Plaintiff complies with this Order, if proper, the case shall be reassigned to a district judge in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this Order within the time allowed, the action will be dismissed.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED:



LORETTA A. PRESKA
Chief United States District Judge

Dated: January 11, 2011

New York, New York

² The Prisoner Authorization form directs the facility at which Plaintiff is incarcerated to deduct the filing fee from Plaintiff's prison account in installments and to send to this Court certified copies of Plaintiff's prison account statements for the past six months. 28 U.S.C. § 1915(a)(2), (b).

³ For Plaintiff's convenience, a Prisoner Authorization form is attached.